

1895-031  
Lee Co.

Chancery Causes: James D. Edwards vs. Thomas G. Edwards

Miles, Goslyn, Sprinkle, Preston

CA - Contract Dispute  
T. Health/Medicine  
Property

-Deed



To the Hon. W. J. Miller Judge of  
the Circuit Court of Lee County  
Virginia:

Your orator James  
D. Edwards, who humbly com-  
plaining would respectfully rep-  
resent, that about the 20<sup>th</sup> of Dec.  
1894, your orator was taken sick  
and for several weeks was  
confined to his bed at a neigh-  
bour's house, where for many  
days he is told he was not ex-  
pected to live; and so he lingered  
through the month of January 1895  
and towards the latter part of that  
month he became some what  
convalescent, in body, but through  
all that time your orator was  
unconscious of the presence of  
his friends who called to see him  
But in the later part of January  
he got so he could recognize his  
acquaintances, and his strength of  
mind was some what improved  
but he was still mentally weak  
and wholly unfit for business  
of any kind. Your orator is now  
in his eightieth year and would  
naturally recover more slowly  
than a man of younger years,  
Aside from his sickness, he  
had recently lost his wife and



had broken up housekeeping and was greatly distressed in mind; and he attributes these troubles and sickness to his broken up condition in life.

During the past year or two, at different times, your crater had told his son Thomas G. Edwards, that he would allow him, to build a house upon some convenient part of his, your crater's farm, and which he was willing for him to do.

Taking advantage of this circumstance, in your crater's weak, sick and enfeebled condition of mind he is informed that a few days before Feb. 1<sup>st</sup> 1895, the said Thomas G. Edwards came to Jonesville, and applied to H. C. Joslyn, a Justice of the peace to come over and write a will for your crater, but your crater had never so far as he has any recollection ever made any such request, nor had he when properly at himself ever entertained any such an idea. In pursuance with this request, the said Joslyn as your crater can bearly remember now came to the place where your crater was then lying sick, having been met on his way, by the said Thomas G. Edwards and was told your crater wanted to make a deed, and not a will, and



<sup>orator</sup>  
your asserts, he never entertained such  
a notion when at himself, nor did  
ever make such a request when in  
his proper mind. Any way the said  
Jeslyn came on and wrote a deed  
dated Feb. 1<sup>st</sup> 1895, conveying to the  
said Thomas G. Edwards about 90  
acres of valuable land, being  
so much cut of a tract of about  
140 acres. The land thus conveyed  
is more accurately described by a  
copy of said deed herewith filed  
marked "Deed" as part hereof.

Your orator has an indistinct rec-  
ollection of the said Jeslyn, and after  
being present on the occasion of the  
making of said deed, but did not  
then, and until shown said deed  
could not believe he had ever done  
such a thing, he does not remem-  
ber being called to sign a deed  
but thought it was only to allow  
the said Thomas to build the house  
therefore talked about.

Your orator alleges that if in his  
demented state he ever did sign  
such a deed he was wholly un-  
conscious of the same, and he be-  
lieves it was done & procured to  
be done, by undue influence ex-  
ercised over him by his said son  
for he never meant to so advance



the said Thomas over his other Children and Grand Children, six in all - your orator alleges that <sup>at</sup> the time he made said deed, he <sup>was</sup> mentally incapable, and in mind wholly incompetent to make a deed or Contract, that the same was procured by the fraud and undue influence of the said Thomas G. Edwards, and that it was well known to said Jaslyn at the time he took said acknowledgement, and to the Doctor H. M. Miles then present that he was in mind wholly incapable, and unfit to make such a disposition of his property. He alleges therefore, that said deed is not his act, that he never gave his assent thereto when competent to do so.

The said Thomas G. Edwards, since your orator's recovery is attempting like the unnatural, son that he is to carry out his fraud by offering to sell said land and pay claims thereto.

The object of this Bill therefore to have said deed purporting to be executed by your orator to the said Thomas G. Edwards, set aside, held void and created for naught, for the reasons above stated.



To effect which he prays that  
 Thomas G. Edwards be made a  
 party defendant to this bill  
 that he answer the same, but he  
 need not do so upon oath that  
 being waived. And on a hearing  
 a decree be rendered setting aside  
 said deed holding the same  
 void, and that said Thomas G.  
 Edwards be required to re-con-  
 vey the same to your creditor.  
 And for all other further &  
 general relief may your  
 wisdom see fit.

Prelmore & Sewell

P. 9.



recovered, *Plff Costs*  
 C<sup>1st</sup> 3.47  
 S 1.50  
 Co clk .50  
 Cour in Chy 10.75  
 witnesses 4.50  
 atty 15.00  
 H. M. Miles 392.2  
 Et part not given 50  
\$397.2

*Defts Costs*  
 C .65

L.P.S.

James D. Edwards

v. Bill Chy.

Thomas G. Edwards

1895 3<sup>rd</sup> Feb'y Rules Bill  
 filed & pa. 24<sup>th</sup> D. C.  
 " 1<sup>st</sup> March rules taken  
 the last manday in  
 Feb'y D. C. confirmed  
 & cause set for hearing  
 " March Term continued  
 " June Term Decree final

June Term 1895 Decree  
 final See Chy Order  
 Book Page 221



To the Honorable W.T. Miller, Judge of the Circuit Court  
of Lee County Virginia.

The answer of Thomas G. Edwards to a bill exhibited against him in this honorable Court by James D. Edwards.

Respondent says the Complainants bill is not sufficient in law to call upon him to answer in this honorable Court, and of this he prays judgement &c. And not waiving said demurrer but relying and insisting thereon, should other and further answer be required of him, answering he says; that it is true that said Complainant was taken sick sometime in the month of December 1894, but he does not recollect the exact day, and that for sometime thereafter, he was quite sick and confined to the bed at the house of one of his neighbors where he had been staying for some little while before he got sick; it is likewise true that the said Complainant remained sick during a large part of the month of January 1895, however about the middle of the month of January, as Respondent recollects, the Complainant began to improve, which state continued till the end of said month in a marked degree; it also true, as respondent believes, that said Complainant was during the early stages of his sickness partially delirious and at times unable to recognise those around him; it is further true that in the latter part of January, said ~~XXXXXXXX~~ Complainant got so he could recognize those around him, not only so but as respondent believes and here asserts his strength of mind was fully restored to him, and he became as fully able to attend to his business affairs as usual. Respondent does not know his fathers age certainly but supposes he has given it correctly at eighty years, and respondent supposes it to be true, that a person of that age, will regain his physical strength more slowly after a spell of sickness, than a person of younger years, but he does not know that the same rule holds true in reference to the recovery of his mental capacity, and calls for proof of this allegation. It is further true that Complainant lost his wife, by death about one year ago, that he had broken up house keeping, and Respondent naturally supposes that these facts



were matters of distress to the said Complainant, but Respondent does not know and has no means of knowing whether said distressed condition of mind, if the same existed, caused or tended to cause said sickness. Respondent says it is true that at different times in the last year or two his father had told him that he could build a house at a convenient place on the farm. This point was designated and it extended not only to the privilege of building said house, but likewise complainant told respondent that he would convey to him the land around said house and convenient thereto. Respondent denies that he took advantage of this circumstance in the weak sick and enfeebled condition of his father to have the deed made, which is the subject of controversy in this suit. It is true however that respondent did come to Jonesville and apply to H.C. Joslyn to go to the place where his father then was to do some writing for him. Respondent did so at the request of his said father, and not upon his own motion. About the last days of January 1895 respondent's father asked him to come to Jonesville and get John A.G. Hyatt to come and do some writing for him, the character of which he did not mention so far as respondent can now remember, but respondent thought or supposed that he <sup>n</sup>wanted his will written. As requested respondent came and saw Mr. Hyatt, who informed him that he could not possibly go at that time. Respondent then applied to L.T. Hyatt, but was informed by him that he would be engaged on the next day and perhaps for several days thereafter in taking depositions, and the Messrs. Hyatt advised him to go to H.C. Joslyn, who was competent to do such business. This respondent did, and went back and informed his said father that he could not get Mr. Hyatt, but that Capt. Joslyn had promised to come and do said ~~wrt~~ writing on the next day. And with this arrangement his said father expressed himself entirely satisfied. And respondent further told his father that the said Joslyn had requested him to meet him at the river and on the next morning complainant called respondent's attention to the fact that he had agreed



to meet the said Joslyn as aforesaid, and requested him to do so. Respondent went as requested, met the said Joslyn on the way, and accompanied him back to the place where the complainant was staying, and there said deed was made. Respondent does not ~~know~~ <sup>amount</sup> know the land in said boundary as described in said deed, there may be ninety acres, and there may be less. Nor does respondent know accurately the amount of land owned by his father; but he alleges that it is much more than one hundred and forty acres. Respondent denies that said complainant was unconscious of the fact of the making signing and executing the said deed. On the contrary he believes and here asserts that he was fully at himself, and as capable of transacting his business as he ever was since respondent has known him. Respondent here asserts and charges ~~that~~ the complainant knew the property he was disposing of; that he was fully conscious of the manner in which he was making said disposition, and ~~that~~ he knew equally well the person to whom he was making it. Respondent denies that he procured said deed to be made by undue influence or otherwise. Upon the other hand he asserts that said deed is the voluntary intelligent and predetermined act of his father when he was both mentally capable and fully competent to act. He denies the fraud so glibly imputed to him by the complainant, and he further asserts that in going after some person to do the writing for his father, he was doing the bidding of that father, and that when he met the said Joslyn on the next morning, he was likewise acting at the request of his said father. And respondent avers that on the evening after said deed was made the complainant told others of the fact ~~that~~ he had made said deed, described to them the boundary conveyed, and expressed himself fully satisfied therewith; and that he remained in that condition until several days thereafter, when acting upon the importunities and over persuasions of others of his children, he brought this suit to annul an act which he did of his own free will and accord, and with a perfect understanding of what he was doing. Respondent denies that he ever made any attempt to sell said land

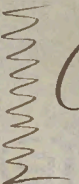


, but he does lay claim thereto, and he believes his claim to be just, one which ought to be maintained, and which will be maintained if the facts can be brought to the attention of your honor as they really exist. And now having answered said bill, and herein expressly denying every allegation not hereinbefore admitted and explained or denied, he prays to be hence dismissed with his costs.

Duncan & Ryan p. g.



Thomas G. Edwards.

ads  Answer.

James D. Edwards.

Duncan & Hyatt, p. d.

Filed in open Court  
The 14<sup>th</sup> day of March  
1895. A. B. Munsy  
Clerk







James D. Edwards

} Decree  
Final.

Thomas G. Edwards  
~~~~~  
June 7. 1895  
~~~~~

Entered in  
Chancery Order  
Book & Page 221

Enter this  
June 12 1895.

M. L. M.

Cost of this suit - And no  
further action being necessary  
this Cause, is Stricken from the  
docket, with leave to either party  
to reinstate the Cause, for the pur-  
pose of enforcing this decree -  
~~And~~



(11)  
The depositions of H. M.  
Miles and others taken before  
me, A. B. Munsey commis-  
sioner in Chancery for the  
Circuit Court of Lee County  
Va, pursuant to notice  
hereto attached, on the 27<sup>th</sup>  
day of February 1895, signed  
by consent of parties from  
the law office of A. L. Pickens  
in the town of Jonesville Va  
to the Circuit Court Clerk's  
office of Lee County, and which  
are intended to be read as  
evidence on behalf of  
James D. Edwards in a certain  
suit in Chancery now pending  
in the Circuit Court of Lee  
County Va. wherein the said  
James Edwards is plaintiff and  
Thomas G. Edwards is de-  
fendant.

Present Pickens Deceased for  
plff. And C. T. Duncan for  
def & also the defendant  
H. M. Miles, a witness of  
lawful age after being  
first duly sworn before  
and says.

Interrogatory by plff

State your age, profession  
or occupation & residence?



Ans: My age is 26 years. my Profession  
is that of a practicing Physician & Surgeon.  
place of residence is Jonesville Lee County  
Va.

Ques 2. Please state whether or  
not, you attended in your  
professional Character, on  
the p<sup>er</sup> of James D. Edwards  
in his sickness from about  
Jan 1<sup>st</sup> 1895, up to and in-  
cluding Feb. first of the same  
year, If you answer you  
did, then please state the  
nature of his malady if  
he had any, his bodily  
condition, and mental state  
especially his mental con-  
dition on Feb. 1<sup>st</sup> 1895 the  
day when he is alleged to  
have executed a deed to  
Thomas G. Edwards the de-  
fendant.?

Ans.

I did attend him during said  
period. He was suffering with  
La Grippe & chronic Diarrhea. He is  
about 78 or 80 years of age, and is quite  
feeble. His mental state during  
his entire illness was weak. He  
was delirious during the entire  
time when I was there.

Ques 3. Was you present on the day



Feb. 1<sup>st</sup> 1895; at the time when the so  
called deed was made, if so that  
was his mental condition at that  
time, was it such that he was  
capable to transact that or any  
important business, intelligently?

(I decline to answer the foregoing ques-  
tion unless I am paid the compen-  
sation properly due to an expert wit-  
ness deposing to his professional  
knowledge 14 M miles. M.O.)

We agree that the Circuit Court may  
fix the compensation due Dr. Miles  
under the laws if he will so con-  
sider the question. Preliminary answer to  
C. J. Edwards of York

Ans.

I was present at the time the  
deed was made. At that time  
he was delirious, and I do not  
think he was competent to transact  
important business intelligently.

Cross examined

1 Give the date when Mr Edwards was first  
told he sick, or if you cannot give that date  
state when you first called in to attend  
him, as a physician?

Ans. I first visited him on Dec 23<sup>d</sup> 1894

2 How long did you continue to visit him,  
give the date of each visit?

Ans. I visited him on Dec 23<sup>d</sup> & Dec 30<sup>th</sup> 1894  
and Jan 8<sup>th</sup> & 16<sup>th</sup> & Feb. 1<sup>st</sup> 1895 and have



1 Had him under treatment ever since.  
3 Was February 1st 1895. the last time you  
4 visited him professionally?

Ans. 1 It was.

4 You say in answer to a question above  
5 that you "had had him under treatment ever  
6 since", what kind of treatment, if sending him  
7 medicine, how often how you sent it and for  
8 what disease how you been treating him?

Ans. 10 Tonic treatment. I have sent him  
11 medicine every few days, can't say  
12 just how often. I have been treat-  
13 ing him for the after effects of  
14 La Grippe & chronic Diarrhea

5 Who was present beside yourself on the 1st day  
16 of February 1895, when said deed was executed?

Ans. 17 H. C. Joslyn, W. D. Sprinkle, Thos. J. Ely,  
18 Thos. Edwards, Jane Presto's wife, Bill  
19 Wilson's wife & Mr. Sergeant.

6 What time did you get to where Mr. Edwards  
21 was staying on that day?

Ans. 22 About 10 or 11 o'clock A.M.

7 Where did you find him, in the bed or sitting up.

Ans. 24 In the bed.

8 How long did you stay there that day?

Ans. 26 Unless About 2 hours.

9 Did Mr Edwards get out of bed while  
28 you were there, and if so state for  
29 what purpose and how long he re-  
30 mained out of bed.

Ans. 31 He did. To make his mark on the deed.  
32 Was out of bed only a very short time.



10. Did he talk any while you were there, if so what did he talk about?

Ans. He did talk, & about the land he was conveying, his disease, &c,

11 What did he say about his disease?

Ans. He said he was improving.

12 That was a fact was it not?

Ans. In some respects he was, in others he was not.

13 Was the defendant Thomas G. Edwards present when said deed was made.

Ans. He was.

14 On that occasion did the said Thomas use any improper or other influences to cause his father to execute said deed if so what were they?

This question is objected to, because the witness can only tell what occurred not draw inferences.

Ridgmore Russell

Ans. I saw no actions of Thos. G. Edwards, only heard him talking as to how he would manage the land; build a house and take his father to live with him.

15 Was any other of the said complainant's children present on that day?

Ans. Not while I was there.

16 You say in answer to one of the questions propounded to you in chief that Mr Edwards was delirious on the day said deed was executed, please tell in what respect he



1 was delirious, what he did and said  
2 to make you think so. Tell all about it?

Ans.

3 In describing his land he persisted in  
4 having ~~him~~ it located on the ~~west~~ side  
5 of David Preston's house, when in  
6 reality it lays on the East side. He  
7 also spoke of conveying 15 acres when  
8 he was conveying 90 acres, and in  
9 describing his condition he misrep-  
10 resented it. Also said he was  
11 taking his medicine when I was  
12 informed by Thos. G. Edwards and  
13 others, ~~said~~ he would not take a  
14 part of his medicine.

17 15 Did he at any time say that his lands lay  
16 on the West side of David Preston's house,  
17 using that language.

Ans.

18 I don't know that he used that lan-  
19 guage, but pointed in that direction  
20 and spoke of it being just out there  
21 at the same time pointed toward the  
22 west.

18 23 At the time he spoke of it as being "just out  
24 there" and "pointed in that direction" was  
25 he sitting or lying down, if so in which  
26 direction was he facing, and was he in  
27 the house or out of doors?

Ans.

28 Part of time he was laying down  
29 and part setting up in bed & his  
30 face was turned toward the west.  
31 He was in the house.

19 32 You say he spoke of "conveying 15 acres



1 when he was conveying ninety acres"  
2 when did he use this language, in what  
3 connection was it used till all about it.

Ans. 4 He spoke of the 15 acres three or four times  
5 and was corrected by Thos. J. Ely who told  
6 him, it was 90 acres. I don't know  
7 in what connection it was used.  
8 During the time the deed was  
9 being prepared.

20 On the same day this deed was executed and  
11 after it was executed, Did you not in a  
12 conversation which you had, with Henry  
13 Collins, and in this County and near where John  
14 W. M. Ely was boring a house built, tell the  
15 said Collins, that Mr Edwards was as  
16 much in his mind at the time he made  
17 said deed as you ever saw him, if you  
18 did not tell him that please tell all you  
19 did tell him?

Ans. 20 I did not tell him any such a  
21 thing. I have no recollection as  
22 to what I told him except that  
23 I told him I thought he perhaps  
24 would get up, and be able to  
25 go about.

21/26 On the same day and at or near the same  
27 place did you not tell Alexander Smith  
28 and perhaps others there that Mr Edwards  
29 had made a deed to his son Thomas, and  
30 did not ~~the~~ said Smith ask you, if you  
31 thought said deed would stand and did  
32 you not tell him that you thought it would



1 That you thought Mr Edwards was fully  
2 in his mind, or words of that import  
3 and if you say you did not, then tell  
4 what you did tell Mr Smith?

Ans.

James Sturdee  
for 2 days 1.00  
W. S. Orford  
2 days 1.00

5 Mr. Smith did ask me how Mr. Ed-  
6 wards was. I told him I thought he  
7 would perhaps get able to go about.  
8 He did not say one word about  
9 his mind, or whether the deed  
10 would stand or not, but remarked  
11 that "Squirrel-head" would soon  
12 it in, less than two years, to  
13 <sup>which I agreed</sup> there was no other parties present, &  
14 Capt Henry Collins passed by with a  
15 wagon & stopped & asked me about  
16 Edwards, but never said anything as  
17 to his mind.

18 I told Mr. Smith & Mr. Collins that  
19 Mr. Edwards had made a deed to Thos. G.  
20 Edwards, and they, or one of them,  
21 remarked that they had understood  
22 he, was to make a will.

23 I never said as to whether the deed  
24 would stand

25 22 As Mr Edwards' attending physician  
26 why did you allow him to execute a deed  
27 in your presence when you believed  
28 him incompetent to transact business?  
29 The foregoing question is excepted to  
30 because the attending physician has  
31 no such control of his patient - and  
32 the question is immaterial to the issue.

Ordinances & Laws



Ans. 1 I did not consider it my business to  
2 interfere.

23.3 Did Mr Edwards at the time show to whom  
4 he was conveying said land?

Ans 5 I can't say.

24 6 While Capt Joslyn was preparing said deed  
7 and before it was executed did you inform  
8 him said Joslyn, the said Thomas Edwards  
9 or the said James S Edwards that the said  
10 James S. was not in a mental condition  
11 capable of making a valid deed

Ans 12 I did not. As we were leaving  
13 David Prestons I told Capt H. C.  
14 Joslyn that I did not consider Mr.  
15 Edwards' mind in a normal con-  
16 dition

25 17 Why did you tell him this afterwards and  
18 not before said deed was executed?

Ans. 19 He, asked me if I ~~thought~~ thought the  
20 old man's mind was right.

21 Re Examined in Chief.  
22 Is it not a fact, that the  
23 after-effects of La Grippe, is  
24 ~~usually~~ accompanied by mental aberration  
25 and was that not the effect  
26 in this <sup>case</sup> as gathered, as well  
27 from your medical exam-  
28 inations, as from Mrs Edwards  
29 Conversation and act, in general.

31 The foregoing question and any an-  
32 swer thereto are offered to as evidence



1 because there is no evidence that Mr Ed  
2 words was suffering from after effects of  
3 grippe, and because said question is an  
4 in chief and if asked at all should have  
5 been asked in chief & there because it is  
6 leading.

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Ans.

It is a fact that mental aberration  
is sometimes a sequel of La Grippe,  
and I think this was an effect  
in this case, my reasons for so  
thinking is that from the beginning  
of his sickness he was delirious,  
and his mind was wandering, He  
would often talk wild, and get  
out of bed, talk about things  
that had happened long ago &c  
And further this deponent saith not.

H. M. Miles M.D.

James D Edwards another witness of  
lawful age deposes and says.

Quest 1. Are you the peff in this  
case against your son Thomas  
G. Edwards about as due  
to your claim. If so state  
your age, occupation and  
residence?

Ans I am. My age is nearly 80 years.  
Occupation is that of a farmer. My place  
of residence is Lee County Va.



Q. 2 State whether or not you  
was during the last winter  
quite sick and if so at  
whose house were you?

Ans. I was very sick and out of my head  
and had no knowledge when Christmas  
came. I was at the house of David Preston.

Q. 3 I now show you a copy of  
a deed, dated Feb. 1<sup>st</sup> 1895  
and ask the Commissioner  
to read it to you, please  
state whether or not you  
remember to have made  
that deed?

Ans. I have heard the deed read, and  
do not remember having made such deed.  
I got up once after the thing was all  
over and David Preston had to help me back  
in the bed. I had not been out of the house  
for a month.

Q. 4 Are you, an unlearned man  
or can you read and write?

Ans. I am unlearned and cannot either  
read or write.

Q. 5 This deed purports to convey  
to Thomas G. Edwards 90 acres  
of land, how many acres  
have in all?

Obj. - Told to be some immaterial

Durham & Hyatt

Ans. I cannot tell just how much land  
I have. I think I have about 140 or 160



1 *alleges.*  
2 Just 5 The deed also say in con-  
3 sideration of natural love  
4 & affection and one dollar  
5 How you any more love  
6 for Thomas G. than the others  
7 and how many more chil-  
8 dren have you?

9 *Objected because immaterial*

10 *Samuel & Hyatt*

11 Ans. I have five living children and  
12 some grand children. The children of  
13 a deceased daughter, I aimed to do  
14 the thing that was right and make them  
15 equal all around.

16 Just 6 How long was it after the  
17 suppressed deed was made  
18 was it before you learned  
19 the fact and did you then  
20 remember to have made  
21 it?

22 Ans. I did not know anything about  
23 making the deed until after I was told  
24 about it afterwards.

25 Just 7 After you learned, that  
26 Thomas G. Edwards claimed to  
27 have a deed, & state whether  
28 or not you sent for him  
29 and whether or not he came  
30 and whether or not, he said  
31 Thomas G. Edwards still not  
32 in the presence of Green  
Exford & others, agree to destroy  
said deed & agreed to have the land?







2 1 When did they tell you about it? The same  
2 day or some days after.

3 And They told me about it the same day  
4 in the evening, after they returned back to  
5 town.

3 6 Who was present when Miss. and Sargent  
7 told you that you had made a deed to your  
8 son Tom for part of your land?

9 And I do not recollect now, there was so  
10 many running in and out to see me.

11 My son James come up next morning  
12 and told me that I had made the deed.

13 for 90 acres running through my farm  
14 and <sup>leaving</sup> apart of it next to the river where  
15 I could not get to it. Beginning at a stake  
16 at the Ashier house and running down  
17 to the river and back to the stake.

4 18 Do you remember Joslyn being at your  
19 the place where you were sick?

20 And I do, we had some conversation  
21 together.

5 22 Do you remember of Joslyn doing some  
23 writing there that day?

24 And, he was sitting by the Sewing Machine  
25 I don't know what he done. I cannot  
26 read writing and I was not able to get  
27 up to see.

6 28 Did you not get up while he was there?

29 And. I got up once that day. I do not  
30 know whether it was while he was there  
31 or not.

7 32 How comes it that you remember



1 getting up once that day when you saw  
2 not remember anything else that then  
3 occurred?

4 Ans. My bowels pushed me out.

8 5 Do you remember signing any paper  
6 while Joslyn was then that day?

7 Ans. I do not, if I signed any I have  
8 no knowledge of it.

9 9 Do you remember Rosa Sorgent May  
10 Smith Alexander Smith & William McLean  
11 being at David Preston's on that day after  
12 said deed was signed

13 Ans. I do not. I have no recollection  
14 about it.

10 15 Had you not, before you got sick  
16 intended to convey to your son Tom  
17 some of your land and had you not  
18 told Lint Stewart and Hattie Lewis  
19 and others that you so intended?

20 Ans. I did intend to lay him off a piece  
21 of land and fix him a home. but he dashed  
22 off <sup>with</sup> Squirrel head and had a deed made  
23 for about ~~90 acres~~ <sup>about</sup> all of my land, un-  
24 known to me. He had ~~wrote~~ <sup>wrote</sup> to Jesse to  
25 come down and see the land layed off  
26 and make an equal divide of it.

11 27 How do you <sup>know</sup> he got Squirrel head, and  
28 had a deed made for <sup>go acres</sup> about all <sup>this cleared land</sup> you had  
29 if you can not remember about making  
30 said deed?

31 Ans. Squirrel head had impudence to tell  
32 me so afterwards.



12 What did Squirrell head tell you?

Ans He told me that he had laid off Thomas 90 acres beginning at the river and running up the hollow to a stake at the Chesier house.

14 Did Squirrell head tell you that he had laid off that piece of land to your son Thomas.

Ans Yes he said he had give it out.

15 When did he tell you that and who was present when he told you.

Ans he told me about it the next week here in town. he told me I was mighty bad and had no recollection, and he made his brags and said he believed I was fool enough to have deeded the whole farm if he had told me to. I do not know who all was present I dont think any one was paying any attention to what we was talking about.

16 Who was present when Thomas agreed to give you up said deed?

Ans. Green Oxford was present and I thought my son James was, but he says he was not. I dont remember just who was there.

17 How long after said deed was made was it that Thomas agreed to deliver up said deed to you

Ans It was about five days afterwards.

18 You state in your bill in this case

"That you do not remember being called



to sign a deed but thought it was  
only to allow the said Thomas to build  
the house therefor told about what  
do you mean by this, if you did not  
and do not remember signing any papers?  
This question is objected to be immaterial

Ans. ~~The next~~ I thought that it was to build  
away back in the  
back side of the farm there had been  
a house back there.

19 Then you do remember signing some  
papers, do you?

Ans. I do not.

20 Did you send for any person to come  
and do some writing for you while  
you were sick.

Ans. I did not.

21 Do you see that you have this  
day given a Disposition?

Ans. I suppose I have. I have been  
striking at it.

22 When did you loose your memory?

Ans. About five days after I was taken  
sick. I was taken very violent.

23 Did you ever loose your memory?

Ans. I lost it at that time, and it is  
not as good now as it was before.

24 What is your age?

Ans. Nearly 80 years.

And further this deponent saith not  
James <sup>his</sup> Edwards  
mark



1 David Preston an ather  
2 witness of lawful and  
3 separate & says, after being  
4 duly sworn.

5  
6 Please State your age  
7 occupation & residence?

8 Ans. My age is about 49 years. My  
9 Occupation is Farmer & laborer. My place  
10 of residence Lee Co Va.

11 Ques 2 Are you the name David  
12 Preston at whose house James  
13 D. Edwards lay sick from  
14 sometime in Dec. 1884 up to  
15 some time in the present  
16 month of this year?

17 Ans I am.

18 Ques 3 Was you at home on Feb.  
19 1<sup>st</sup> the present month when  
20 Capt. H. C. Joslyn or Miles  
21 and others were at your house  
22 the deed was said to have  
23 been made, by said James  
24 D. Edwards to his son Thomas  
25 G. Edwards?

26 Ans I was.

27 Ques 4 Then please state all you may  
28 know as to the condition the said  
29 James D. Edwards on that day  
30 and for several previous days  
31 last of his mind and body.  
32 State any facts, in connection  
therewith?



Ans 1 I helped to wait on him: I think he was  
2 Sick he talked very curious. I went into  
3 his room to carry him some wood,  
4 he raised up in the bed and looked  
5 around at me, and he said Dave I  
6 have a secret to tell you. ~~and I~~ Says  
7 have you and he said ~~that I just~~  
8 bless your soul I just found out  
9 where I was at. I didn't know where  
10 I was at till this evening. I was  
11 looking out at the window and went to  
12 the door and found out where I was at.  
13 ~~He was~~ setting up at the time he was  
14 talking to me, but had been laying  
15 crossways on the bed. he had been  
16 mighty flighty during his sickness  
17 and for two weeks or ten days he didn't  
18 seem to know any body. At one time  
19 I tried him some time before the 1st of  
20 Feb. there was some ladies there at  
21 one time some Miss Sargents & Lawsons  
22 I took down the lamp and asked him  
23 if he knew these ladies and he said  
24 he did not know any of them and they  
25 were persons who are among his nearest  
26 neighbors and with whom he had lived  
27 before he came to my house.

Ques 5. 28 Is it not a fact that for some  
29 two week before Feb. 1<sup>st</sup>, that  
30 the old man was so sick that  
31 for several days, he was  
32 not expected to live, but  
was day expected to die?



ans 1 Yes for fully two weeks. and they had  
2 fixed out a time for him to die saying  
3 he could not live longer than ~~that~~  
4 That time,

Q. 6 5 How long have you known  
6 Mr Edwards and how long have  
7 you lived near him?

ans 8 I have been living in sight of him  
9 for 16 or 17 years and know well,  
Q. 7 10 judging him by what you  
11 knew of him before he got  
12 sick, and considering his  
13 condition for two weeks or  
14 more before Feb. 1<sup>st</sup>, and on  
15 that day, would you say  
16 on that day he was ca-  
17 pable of transacting business  
18 on that day safely for him-  
19 self or with intelligence or not?

ans 20 I don't hardly think he was. That is my  
21 opinion about it. My judgment is that  
22 he was not capable of transacting business  
23 & Examined

Q. 24 At what time was Mr Edwards  
25 taken sick?

ans 26 I don't know exactly at what time but it was  
27 some days before Christmas. And in about two  
28 weeks, or not quite so long he got delirious.  
29 He was delirious off and on for several days.  
30 Some days he would have a tolerable fair  
31 mind and other days he would look up at  
32 the wall and say look at the rats running ~~up~~



(21)

1 down the wall to the Chest. I had not seen  
2 a rat about the house for two or three years.  
3 He continued in this way off and on until  
4 some 8 or 10 days before he got up.

2 5 How many days after said deed was made till  
6 he got up?

Ans 7 He got up that evening. and staggered into  
8 the other house. ~~I think~~ ~~he~~ ~~was~~ ~~confined~~ he was confined  
9 to his bed some two or three days afterwards  
10 and probably longer.

3 11 Do you know who requested Thomas & Ed  
12 words to go and get some person to do  
13 some writing for his father, if so please  
14 state who it was, how it came up and  
15 all that was said about it?

Ans 16 I cannot tell, do not know.

4 17 Did you ever hear James Edwards be  
18 fore said deed was executed, say anything  
19 about giving his son Tom any land, if  
20 so please state what he said and when  
21 it was?

Ans 22 I heard him say he was going give him a piece  
23 of land to build a house on. That he was going  
24 fix him off a house seat. I heard him say  
25 that when he first came to my house, and that  
26 was along in October some time, and also  
27 while he was sick.

5 28 Did he name the place where he was  
29 going to give him, the house site, if so where  
30 was it. and did he state how much land  
31 he was going to give him with the house  
32 site?



Ans 1 He did name the place it was over ~~where~~  
2 ~~Abshier~~ where a house had once been  
3 where there was a spring near this <sup>or go</sup> back of  
4 where the Abshier house formerly stood,  
5 and one hundred fifty or two hundred yards  
6 therefrom, he said something about Tommy  
7 clearing up the hollows back there. <sup>he</sup> said  
8 it was mighty rich land and that Tommy  
9 must pay him the third. he did not say  
10 anything about the number of acres. this  
11 place is inside of the boundary described  
12 in the deed made on the 1st day of Feby.  
13 1895.

6. Now you present where Capt Joslyn wrote  
15 said deed and where Mr Edwards signed  
16 it?

Ans 17 I was in and out of the house very often during  
18 the time. and I think I saw him sign the deed.  
19 I heard Mr Edwards talk some ~~while~~ Capt  
20 Joslyn was there.

7 21 Did he talk sensibly or otherwise, and  
22 please tell what he was talking about  
23 and what he said?

Ans 24 I do not remember what he said. I did  
25 not pay any attention to what he was saying.

8 26 You say in answer to question <sup>14</sup> of  
27 your direct examination that on Feby  
28 1st 1895 James Edwards was not in  
29 your judgement capable of transacting  
30 business. what did he do or say on that  
31 day that makes you think so?

Ans 32 I have already answered this question



(23)

EVERETT WADDEY CO.  
RICHMOND, VA.

~~Ans~~ Substantially in <sup>my</sup> answer to question six  
and that was all that made me think so.  
And further this deponent saith not.

David <sup>his</sup> Preston  
mark

W. P. Sprinkle an other witness of lawful age after being duly sworn deposes and says:

What is your age residence residence and occupation?

Ans. My age is 46 years Residence Lee Co Va  
Occupation Farmer and <sup>at</sup> present hold the  
office of Constable and Deputy Sheriff.

2. 2 Are you acquainted with James D. Edwards if yes say yes state how long you have known him?

Ans I am acquainted with him, have known him for 15 years or more.

2. 3 Was you at the house of David Preston, on Feb. 1<sup>st</sup> 1895 where the said Edwards then was sick, and on which day it is said he made a deed to his son Thomas Edwards, and did you have any conversation with said Edwards or hear him here to others.



Ans I was there on that day, I had a conversation with him myself and heard him have a conversation with others  
24 From your knowledge of him previous to that day and from what you then saw and heard, would you say his mind was or was not in a condition to intelligibly make a deed or transact other important business.

Ans I thought he was not in a condition to transact business.

X Examiner

1 Why did you think so?

Ans I thought from his talk

2 What was his talk, which induced you to think him incapable to transact business what did he say?

Ans He couldn't tell where land he wanted his deed to cover - he could not tell the lines. I couldn't tell you what he said

3 In what particular was he unable to tell what land he wanted to convey?

Ans He seemed that he wanted to make a beginning down at the river on Elys corner, but he could not go on & tell the lines around from he wanted the lines to run, or he did not do it.

4 Was it his inability to describe said lines



1 or the inability of you and others to understand  
2 how he described the lines?

ans. 3 I could not understand from him  
4 what he wanted.

5 You state you had a conversation with him  
6 what was it about, and did he talk instelli-  
7 gently or otherwise?

ans. 8 I have been talking to him about  
9 a little debt I had in my  
10 hands against him for collection.  
11 Part of the time he talked sensible  
12 & part of the time he did not.

6 13 What part of said conversation about said debt  
14 had by Mr. Edwards was not sensible, tell what  
15 he said?

ans. 16 I can't tell all what he said. He  
17 would talk about it for a little  
18 while & then branch off on some-  
19 thing else. I don't believe I can  
20 remember anything he said.

7 21 ~~At that time I had a small debt~~  
22 against him for collection & I  
23 named it to him. He told me at  
24 that time that his son Jim was  
25 to pay it or that he thought  
26 he had paid it. I do not remember  
27 which. That he had paid Jim  
28 to pay it.

8 29 At the time said debt was being prepared and  
30 at the time it was signed did you think about  
31 Mr Edwards being incompetent to make a  
32 deed, or have not that opinion been since



1 formed by moving the matter discussed  
Ans. 2 I had that opinion of him while  
H.C. 3 Jodun was writing the deed.

9 4 Thus if you at the time thought him to be  
5 incompetent to make a deed why did you  
6 sign said deed as a witness

Ans. 7 I just happened to be present & they  
8 asked me to sign it & I did  
9 so.

10 10 Who asked you to sign said deed as a  
11 witness.

Ans. 12 I don't remember any one at this  
13 time except Thomas J. Ely. ~~Thomas~~

11 14 Did you when you signed said deed as a wit-  
15 ness tell the man who asked you to sign it  
16 that Mr Edwards was incompetent to transact  
17 business, or anything of the kind?

Ans. 18 I did not.

12 19 Did you have a conversation with Mr Ed-  
20 wards on that day on any other subject  
21 except the debt you had for collection against him

Ans. 22 I think I did, but I don't remember  
23 what it was at this time.

13 24 In that conversation was there anything that  
25 he said or did which caused you to think  
26 him incapable of attending to business, if  
27 so state what it was?

Ans. 28 I don't remember anything he said  
29 outside of that debt. I don't remember  
30 whether anything was said or done by  
31 him in this <sup>2nd</sup> conversation which impressed  
32 me or not.



14 Was not this second conversation about his  
grand daughter the wife of Geo M Blanshine  
ship, your neighbor?

Ans. I think not.

15 Did not you and him have a talk about  
Mrs Blanshine ship, his grand daughter  
and in that conversation did he not talk  
about his health &c.

Ans. If he did that day I don't remember  
it. He spoke to me about her  
while he was sick, sometime  
before this day.

16 Did you see any thing like delirium in  
Mr Edwards on the day said debt was made  
if so please explain all about it.

Ans. He seemed very flighty in his  
talk. It seemed that when he  
commenced telling what he wanted  
his deed to cover that he couldn't  
or didn't do it. This was about  
all. I could have said consider  
his talk about the debt a little  
flighty & scattering.

17 In your answer to the former question of  
his talk about the debt, did you not tell  
all he said. and if so will you point out what  
part of that conversation was, in your opin-  
ion flighty?

Ans. I don't think that was all he  
said about the debt. He went on  
& talked more. I might tell what  
part was flighty if I remembered



1 all he said about it, but  
2 I don't remember all of the  
3 communication.

4 And forget this witness  
5 with not.

6 W.P. Sprinkle



H. C. Joslyn another witness of lawful age after being duly sworn deposes and says.

Q. 1 Are you the same H. C. Joslyn who as Justice of the Peace took an acknowledgment of a deed from James D. Edwards to Thomas G. Edwards dated Feb. 1<sup>st</sup> 1895?

Ans. I am the same H. C. Joslyn J.P. who took the said acknowledgment.

Q 2. Please state, how you came to do so, who came after you, detail all that occurred on that day in reference thereto especially what Thomas G. Edwards said & done?

Ans. About one o'clock on the 31<sup>st</sup> day of January 1895. Thomas G. Edwards met me between my house and Jonesville, and told me that his father James Edwards wanted me to come to Dove Prestons house where he was staying and fix up some papers for him, and from what Thomas G. said I took it that James Edwards wanted to make his will. I told him I would come the next day if he would meet me at the Ford of the river at Oxford Ford, the next day Feb 1<sup>st</sup> 1895. I started in company of H. M. Miles M.D. and others and was met before I got to the



1 river by Thomas G. Edwards who  
2 went with us, to David Prestons  
3 where James Edwards was then staying.  
4 Just before we arrived at Prestons  
5 Thomas told me that his father  
6 was going to make a deed, instead  
7 of a will.

2 3. Please state if you wrote the deed  
8 at David Prestons house, if you an-  
9 swer you did; state who gave you  
10 the information, in reference to the bound-  
11 aries of the land, state as near as  
12 you can, all that James Edwards  
13 said and all that Thomas G. said in  
14 reference thereto?

Ans. 16 I did write the deed at David Prestons  
17 house. In regard to who gave me  
18 the information, I must say that  
19 James Edwards, Thomas G. Edwards  
20 and Thomas J. Ely all joined and  
21 assisted in giving me the meets  
22 and bounds of the land that I  
23 was to write the deed for.

Quest 4 24 Please state whether or not James  
25 D. Edwards, recognized the location  
26 of his land or did he not point  
27 to it as if it were west of  
28 where he was lying, when in  
29 fact it was east or nearly so?

Ans. 30 In talking of the boundary and  
31 where the lines were to run James  
32 Edwards said he wanted the line



1 to run, Commencing at the river at  
2 a corner of J. M. M. Ely's land and  
3 running up to an open field. when  
4 James Edwards said he wanted to  
5 make a corner, and then to run  
6 so as to include the old Ashbur  
7 House site and orchard. but  
8 during the time I was writing  
9 the deed James Edwards would  
10 point to the west as where  
11 the land laid when in fact  
12 the land laid to the east of  
13 where we were then.

Q. 5- If James D. Edwards, had been  
14 left alone surrounded by Thomas G.  
15 Edwards and I, and Thomas J. Ely or  
16 some one else, and you had  
17 been a stranger, would his des-  
18 cription alone have been an  
19 intelligible one?

Ans 2 hardly think I could have written  
21 a proper deed if James Edwards  
22 had not been assisted in the  
23 matter.

Q. 6 How long have you known James  
25 D. Edwards?

Ans I have known him intimately for  
27 twenty three years.

Q. 7 Judging him by what you  
29 know of him; taking into  
30 consideration his age, and weak  
31 constitution at that day, more



1 your attention is called strictly to it  
2 would you say he was or was  
3 not competent mentally on that  
4 day to enter into to contract, make  
5 trades and deed, with that de-  
6 gree of intelligence, necessary to  
7 important transactions?

8 The foregoing question and any  
9 answer thereto are objected to, because  
10 it calls for an opinion of the witness  
11 who is not an expert on such matters, and  
12 because irrelevant immaterial &c

13 Dunsen & Hyatt.

14 All

Ans.

15 I have regarded James Edwards for  
16 several years as "Cranky", and if  
17 I had been called upon five  
18 years ago to say as to his competency  
19 to make contracts of much importance  
20 I would have been compelled to  
21 say that I did not consider him  
22 exactly right, and now that the  
23 matter has been called to my  
24 attention so forcibly I am now  
25 of the opinion that on the day  
26 he made the deed he was  
27 not exactly competent.

28 Cross-examined

29 At the time you wrote said deed and  
30 took the acknowledgment to the same  
31 did you think the said Edwards was  
incompetent to make said deed



Ans. 1 I did not think any thing about his compe-  
2 tency or incompetency, I was called on to go  
3 there, and do the writing supposing that every  
4 thing was all right. And the only thing that  
5 attracted my attention and made me think  
6 any thing was wrong, was his pointing to  
7 the west for the location of his land, when  
8 in fact said <sup>land</sup> lay east, he seemed to be  
9 turned around. I did think much about  
10 his competency or incompetency on that  
11 occasion, I simply done what I went  
12 to do and left.

2. 13 When he was pointing to the west for his  
14 land was he in the house or out of  
15 doors, and were the doors open or closed  
Ans 16 He was in the house. I cannot tell whether  
17 the door was open or shut. ~~was it open or~~  
3. 18 At the time he was pointing as above sta-  
19 ted by you was he sitting up or, laying  
20 down, facing east or west.

Ans 21 He was sitting up on the side of the bed facing  
22 the west.

4. 23 The pointing done by him then was  
24 simple in front of him, was it not?

Ans 25 I think it was. I did not know but  
26 what his land layed over in that direction  
27 until ~~he~~ or some one told me that he had  
28 no land in that direction.

5. 29 When you got there that morning did  
30 you tell him what you had come for  
31 if so what did he say?

Ans 32 He seemed to know that I came there to do



1 Some writing. And I think it was he that  
2 told me he wanted a deed.

6 3 Who gave you the beginning corner. as it  
4 is written in the deed?

Ans 5 I am not exactly certain, but I think it was  
6 the old man himself. he wanted to begin  
7 on J M M Ely Jr corner on the river.

7 8 You say in answer to question 5. "I hardly  
9 think I could have written a proper deed  
10 if James Edmonds had not been assisted in  
11 the matter." Now I will ask you if in your  
12 experience in writing deeds by notarial calls  
13 alone you do not find it very difficult  
14 to get from any person an intelligent  
15 description. And did you experience  
16 any more trouble in this case than you  
17 ordinarily do under similar circumstances

Ans. 18 I have found it very difficult at  
19 times to get proper calls and courses,  
20 unless I have the calls of a  
21 surveyor to go by. in this case  
22 I had very little trouble as the  
23 parties present seemed to know  
24 all about the land and its  
25 boundaries.

26 The above question & answer are  
27 objected to be cause immaterial.

28 Pridmore & Sewell.

8 29 I see in said deed that Mr Edmonds  
30 reserved to himself his lifetime interest in  
31 in the land conveyed, at whose direction  
32 and request was that provision put in?



Ans. 1 Thomas G. Edwards was the first to  
2 speak of it, and James Edwards  
3 also spoke about it, and after I  
4 had written the deed and read  
5 it to him, he seemed to think  
6 it was not in and asked me  
7 about it and I read it over  
8 to him, and when I had done so  
9 he seemed to be satisfied.

9<sup>th</sup> 10 Did you see anything in the acts con-  
11 duct or talk of James Edwards on that  
12 day that went to indicate that he was  
13 then less able to attend to his business  
14 than he has been for the last five years  
15 if so what was it?

Ans. 16 The only thing that I noticed unusual  
17 was his thinking his load layed in  
18 the wrong direction, he was weaker  
19 than I had ever seen him, but  
20 he having been so sick, he was  
21 much better than I expected to  
22 find him.

10 23 Did you see any symptoms of delir-  
24 ium in Mr Edwards on that day  
25 if so state what they were.

Ans. 26 I did not notice anything peculiar  
27 except his weakness.

11 28 Did he know which it was he was  
29 executing, a deed or will.

Ans. 30 He seemed to know, in fact he told  
31 me he wanted to make a deed.

12 32 Did he know to whom he was conveying



1 The land described in said deed?

Ans. 2 He seemed to know all about it.

12. 3 Please state if Thomas G. Edwards  
4 Thos. J. Ely (commonly called Durnel  
5 head) or any other person exercised  
6 or attempted to exercise any improper  
7 or coercive measures to get James Ed-  
8 words to make said deed if so please  
9 state what they were?

Ans. 10 I did not notice anything of the kind  
11 except both T. G. Edwards and T. J. Ely  
12 both assisted in giving the calls  
13 for the deed, and locating the lines  
14 of the same.

13. 15 Did they do that in an accommodating  
16 way and as a matter of kindness, or for  
17 the purpose of influencing his mind  
18 to do that which Mr Edwards did not  
19 want to do.

20 This question & answer is excepted  
21 to P. S.

Ans. 22 They seemed to be doing it to assist  
23 Mr Edwards in fixing up the lines.  
24 I cannot say whether or not they  
25 had any improper motives in  
26 their assistance.

14. 27 Did Mr Edwards at any time change any  
28 line of said boundary at the request or  
29 dictation of either Thomas Edwards or  
30 Thos. J. Ely. if so state what line he so  
31 changed.

Ans. 32 He did not change any of the lines



1 at the suggestion of any-one except,  
2 in the Call "North west," I think at  
3 the suggestion of T. J. Ely it was  
4 changed from North to North west,  
5 thinking that North would not make  
6 as much land as Mr Edwards wanted  
7 to deed to T. S. Edwards.

15.8 Did not Thomas Edwards, on the line "up  
9 the hollow with J. H. Ely. his land to the  
10 upper side of my closed land," want his  
11 father to extend said line further up, and  
12 did not the old gentleman refuse to do it,  
13 saying that he would divide that land  
14 among his other children or words to  
15 that effect?

Ans.

16 There was some talk between  
17 Thomas S. and his father <sup>along the line</sup> but  
18 I paid very little attention to it,  
19 and I am not certain what was  
20 said between them.

16.21 On the occasion and at the time you  
22 were preparing said deed and at the time  
23 of its execution, did not Mr Edwards  
24 appear to fully understand what he was  
25 doing and how he wanted it done.

Ans.

26 He seemed to me to be in about  
27 the same fix. I had known him  
28 to be in, for the last five or six  
29 years, and I thought his understanding  
30 was about as good as it had  
31 been for some time.

16.32

For the last five years has not



1 Mr Edwards attended to his business  
2 as well as he ever did before since you  
3 have known.

Ans.  
Witness  
2 days 1.00

4 I believe he has,  
5 And further this deponent with oaths.  
6 Henry C. Joslyn

7 Virginia, Lee County, to wit:  
8 I, A.B. Munsey, a commissioner  
9 in chancery for the Circuit  
10 Court of Lee County, Virginia,  
11 do certify that the foregoing  
12 depositions of H.M. Miles, H.C.  
13 Joslyn, James D. Edwards, David  
14 Preston and W.P. Sprinkle, were  
15 duly taken, subscribed and  
16 sworn to before me  
17 at the time & place & for  
18 the purpose in the caption  
19 mentioned, Given under my  
20 hand this the 28th day of February 1895.

23 A.B. Munsey Comr in  
24 Chancery for the Circuit  
25 of Lee County Va



James D Edwards

Depositions

Thomas J Edwards

Taken before me as  
Commissioner in they  
and filed this the 28<sup>th</sup>  
day of February 1895

A B Munsey  
Clerk

Comp 14 hours @ .75 = \$10.75  
Witness 4.00


H McMillan & part not given



This Deed made and entered into on this  
1st day of February 1895 by & between James  
D. Edwards of the first part and Thomas  
G. Edwards of the second part both of the  
County of Lee & State of Virginia: Witnesseth,  
That for & in consideration of the natural  
love & affection that the party of the first  
part has for his son the party of the  
second part, as well as for one dollar  
in hand paid, the receipt of which is  
hereby acknowledged, the party of the first  
part hereby give, grant, bargain, sell  
deliver & convey, unto the said Thomas  
G. Edwards a certain tract or parcel  
of land lying and being in the County  
of Lee & State of Virginia, about 3 miles  
South from Jonesville and bounded as  
follows, to wit: Beginning on a Sycamore  
& beech on the south bank of Powell's  
River a corner of J. W. M. Eli's land, thence  
South up the hollow with J. W. M. Eli's land  
to the upper side of my cleared land, to  
a stake, thence west so as to include  
the old Abshire house seat & orchard  
to a stake, thence north west on a  
line to Powell's River so as to make  
the boundary contain 90 acres to a  
stake on south bank of Powell's  
River, thence up said River to the  
Beginning. But the party of the first  
part hereby reserves to himself his life-  
time interest in the land hereby conveyed



1 To have & to hold the above mentioned  
2 track or parcel of land with all the  
3 appurtenances unto the said Thomas  
4 G. Edwards & his heirs forever. And the  
5 party of the first part hereby warrants  
6 generally the title to the land hereby  
7 conveyed against the claims of all  
8 persons whatsoever. Witness the following  
9 signature & seal, this the day & year  
10 first above written

11 James D<sup>th</sup> Edwards  
wrote 

12  
13 Witness

14 H. M. Miles

15 Thos J. Ely

16 W. P. Sprinkle

17 Virginia Lee County, Wash:

18 I, Henry C. Joslyn a Justice of the  
19 Peace for the County aforesaid in the State  
20 of Virginia, do certify that James D  
21 Edwards, whose name is signed to  
22 the writing hereto annexed bearing date  
23 on 1<sup>st</sup> day of February 1895, has ack-  
24 nowledged the same before me in my  
25 County aforesaid. Given under my hand  
26 this 1<sup>st</sup> day of February 1895

27 Henry C. Joslyn J.P.

28  
29 Virginia Lee County, Wash:

30 In the office of the Clerk of said  
31 County, the 2<sup>nd</sup> day of February 1895  
32 this deed was presented & together with



1 the certificates thereto annexed admitted  
2 to record

3 Teste

4 S. V. F. Richmond clerk

5  
6 A copy

7 Teste, S. V. F. Richmond Clerk



James O Edwards

Log Book

Thomas O Edwards

Ex - Dec

Charles Lee for Copy 50



The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU TO SUMMON

*H. C. Joslyn. H. M. Miles. W. P. Sprinkle. David Preston Cold. Preston*

*his wife and James D. Edwards Jr. a Justice of the peace for Law Office of A. L. Pridemore*  
to appear before the Judge of our Circuit Court of Lee County, at the court-house thereof on the *27th*

day of *Feb'y* 189*S*, to testify and the truth to say in behalf of *James D. Edwards*

in a certain matter of controversy in our said Court,  
before the said Judge depending and undetermined between

and

*James D. Edwards* Plaintiff

*Thomas G. Edwards* Defendant :

And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house,  
the *23rd* day of *Feb'y* 189*S*, and in the *119th* year of

the Commonwealth.

*A. B. Munsey* Clerk.



James D Edwards

VS

SUBPÆNA  
FOR  
WITNESS.

Thomas G Edwards

Circuit Court, the 27<sup>th</sup> day of

Feby 1895

Executed by summons  
all of the within must  
except W. P. Sprinkle  
and David. Rector  
wife

C. C. Flanagan,  
S. L. C.



# The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU TO SUMMON

*W. P. Sprinkle*

to appear before the <sup>Cour</sup>~~Judge~~ of our Circuit Court of Lee County, at the <sup>office of the Clerk of the Circuit Court</sup>~~court-house thereof~~ on the *28th* day of *February* 189*5*, to testify and the truth to say in behalf of the *Plaintiff*

in a certain matter of controversy in our said Court, before the said Judge depending and undetermined between

and

*James D. Edwards*

Plaintiff

*Thomas G. Edwards*

Defendant :

And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house,

the *28th* day of *February* 189*5*, and in the *11th* year of the Commonwealth.

*A. B. Munsey*

Clerk.



James G. Edwards

VS

SUBPENA  
FOR  
WITNESS.

Thomas G. Edwards

Circuit Court, the 28<sup>th</sup> day of

Feb'y 1898.

Executed By  
Sumner W. P.  
Shrinkle this February  
the 28 1898  
C. E. Clark & Co.